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In re Application of
OGATA et al
Application No.: 10/524,621
PCT No.: PCT/US2003/010474
Int. Filing Date: 19 August 2003
Priority Date: 20 August 2002
Attorney Docket No.: F-8591
For: ANTI-ALUMINA-BUILDUP REFRactories
FOR CASTING NOZZLES

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.181

This decision is in response to the "SECOND RENEWAL PETITION UNDER 35 USC 1.181 TO REVIVE AN UNAVOIDABLY ABANDONED APPLICATION THROUGH NO FAULT OF THE APPLICANT," filed on 25 November 2008. Applicants have submitted, inter alia, a copy of a 17 March 2005 PTO stamped itemized postcard receipt and a copy of the executed declaration. The itemized postcard lists, inter alia, the following item: Declaration and Power of Attorney.

BACKGROUND

In a decision from Office on 27 October 2008, it stated that applicant had not provided a copy of the executed declaration filed on 17 March 2007.

On 25 November 2008, petitioner filed this second renewed petition with a copy of the executed declaration filed on 17 March 2007.

DISCUSSION

Applicants' present petition accompanied by a copy of the following documents, filed purportedly with the USPTO as indicated in the stamped postcard:

- (1) Declaration & Power of Attorney

The postcard lists the above items and bears a USPTO date of stamp as 17 March 2005.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that a Declaration was deposited with the U.S. Patent and Trademark Office on 17 March 2005 for application 10/524,621, as applicant declares that this is a true copy of the declaration filed on March 17, 2005.

Accordingly, the date of receipt for the Declaration is 17 March 2005, which is considered timely. Accordingly, the instant application has been improperly abandoned.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Abandonment (PCT/DO/EO/909) mailed 19 July 2006 was in error and is hereby **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1),(c)(2), and (c)(4) date is 17 March 2005.



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